

Senate File 2014 - Introduced

SENATE FILE 2014
BY COURNOYER

A BILL FOR

1 An Act relating to investigation by a sheriff of an employee
2 who is an immediate family member of the sheriff.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13.2, subsection 1, Code 2024, is amended
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* Conduct a disciplinary or criminal
4 investigation of a deputy, assistant, or clerk of a county
5 sheriff in cases when the deputy, assistant, or clerk under
6 investigation is related to the sheriff within the fourth
7 degree of consanguinity or affinity and, if warranted, provide
8 a written accusation to the civil service commission.

9 Sec. 2. Section 80.5, Code 2024, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 13. The department shall conduct a
12 disciplinary or criminal investigation of a deputy, an
13 assistant, or a clerk of a county sheriff in cases when the
14 deputy, assistant, or clerk under investigation is related
15 to the sheriff within the fourth degree of consanguinity or
16 affinity and, if warranted, provide a written accusation to the
17 civil service commission.

18 Sec. 3. Section 331.652, subsection 7, Code 2024, is amended
19 to read as follows:

20 7. Subject to the requirements of [chapter 341A](#) and
21 section 331.903, the sheriff may appoint and remove deputies,
22 assistants, and clerks. Except as provided in paragraph
23 "a", the sheriff shall conduct a disciplinary or criminal
24 investigation of a deputy, assistant, or clerk prior to
25 providing a written accusation to the civil service commission,
26 as required by section 341A.12, for the removal, suspension, or
27 demotion of a deputy, assistant, or clerk.

28 a. A sheriff conducting a disciplinary or criminal
29 investigation of a deputy, assistant, or clerk who is
30 an immediate family member of the sheriff shall have the
31 investigation conducted by the attorney general or the
32 department of public safety, who, if warranted, shall provide a
33 written accusation to the civil service commission.

34 b. For purposes of this subsection, "immediate family
35 member" means an individual related to the sheriff within the

1 fourth degree of consanguinity or affinity.

2 Sec. 4. Section 341A.12, subsection 1, Code 2024, is amended
3 to read as follows:

4 1. No person in the classified civil service who has been
5 permanently appointed or inducted into civil service under
6 provisions of **this chapter** shall be removed, suspended, or
7 demoted except for cause, and only upon written accusation
8 of the county sheriff, or of the attorney general or the
9 department of public safety as provided in section 331.652,
10 subsection 7, paragraph "a", which shall be served upon the
11 accused, and a duplicate filed with the commission. Any person
12 so removed, suspended, or reduced in rank or grade may, within
13 ten days after presentation to the person of the order of
14 removal, suspension, or reduction, appeal to the commission
15 from such order. The commission shall, within two weeks from
16 the filing of such appeal, hold a hearing thereon, and fully
17 hear and determine the matter, and either affirm, modify, or
18 revoke such order. The appellant shall be entitled to appear
19 in person, produce evidence, and to have counsel. The finding
20 and decision of the commission shall be certified to the
21 sheriff, and shall be enforced and followed by the sheriff,
22 but under no condition shall the employee who has appealed to
23 the commission be permanently removed, suspended, or reduced
24 in rank until such finding and decision of the commission
25 is certified to the sheriff pursuant to the rules of civil
26 procedure.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to investigation by a sheriff of an
31 employee who is an immediate family member of the sheriff.

32 Current law gives a sheriff the power, subject to the
33 requirements of Code chapter 341A (civil service for deputy
34 county sheriffs) and Code section 331.903 (appointments of
35 deputies, assistants, and clerks), to appoint and remove

1 deputies, assistants, and clerks.

2 The bill provides that a sheriff conducting a disciplinary
3 or criminal investigation of an employee who is an immediate
4 family member of the sheriff shall have the investigation
5 conducted by the attorney general or the department of public
6 safety, who, if warranted, shall provide a written accusation
7 to the civil service commission.

8 The bill defines "immediate family member" as an
9 individual related to the sheriff within the fourth degree of
10 consanguinity or affinity.

11 The bill makes conforming changes.